

ORDINANCE NO. 1667

**AN ORDINANCE AMENDING TITLE 176 BUILDING AND PROPERTY
REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ANKENY, IOWA,
BY ADOPTING THE 2009 INTERNATIONAL MECHANICAL CODE WITH
AMENDMENTS**

WHEREAS, the City Council of the City of Ankeny, Iowa desires to continue to protect life, safety and property through the adoption and enforcement of construction codes, and to establish the minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems;

WHEREAS, the Council now deems it appropriate to revise the Municipal Code by adopting the latest edition of the International Code Council Mechanical Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

1. That Chapter 176 of the Municipal Code of the City of Ankeny, Iowa, the Mechanical Regulations be repealed and there be enacted in lieu thereof the following Chapter;

CHAPTER 176 MECHANICAL CODE

Section Number	Title	IMC Section
176.01	Short Title	
176.02	Adoption of Mechanical Code	
176.03	Amendments, Modification, Additions and Deletions	
176.04	Deletions	
176.05	Conflicts	
176.06	Title	101.1
176.07	General (Building & Zoning Administrator)	103.1
176.08	Deputies	103.3
176.09	Permit Acquisition	106.1.1
176.10	Permits Not Required	106.2
176.11	Expiration	106.4.3
176.12	Schedule of Permit Fees	106.5.2
176.13	Fee Refunds	106.5.3
176.14	Violation Penalties	108.4
176.15	Fuel Gas Appliances and Equipment	301.3

176.01 SHORT TITLE. This chapter shall be known as the Ankeny Mechanical Code, and may be cited as such, and may be referred to herein as this chapter

176.02 ADOPTION OF MECHANICAL CODE. The *International Mechanical Code* 2009 Edition; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. An official copy of the *International Mechanical Code 2009 Edition*, as adopted and a certified copy of this chapter are on file in the office of the City Clerk.

176.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Mechanical Code, 2009 Edition* (hereinafter known as the IMC), is amended as hereinafter set out in Sections 176.04 through 176.15.

176.04 DELETIONS. The following are deleted from the IMC and are of no force or effect in this chapter:

Subsection 106.4.4 Extensions, Section 109 Means of Appeal.

176.05 CONFLICTS. In the event there are requirements of this code that conflict with applicable State and Federal requirements, the more stringent shall apply.

176.06 SUBSECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IMC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Ankeny Mechanical Code, hereinafter known as "this code."

176.07 SUBSECTION 103.1 ADDITION - - GENERAL. Subsections 103.1, General, of the IMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the code official.

176.08 SUBSECTION 103.3 ADDITION - - DEPUTIES. Subsection 103.3, Deputies, of the IMC is hereby amended by adding the following paragraph to said subsection:

Subsection 103.3 – Building & Zoning Administrator There is also hereby established the position of Building & Zoning Administrator, who shall be designated by the Planning & Building Director and when so appointed, shall be responsible for the enforcement of this code. The Building & Zoning Administrator shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this title. The Building and Zoning Administrator shall have whatever additional duties the Planning & Building Director may prescribe.

176.09 SUBSECTION 106.1.1 ADDITION - - PERMIT ACQUISITION. Subsection 106.1.1 Permit acquisition, of the IMC, is hereby established by adding the following:

Subsection 106.1.1 Permit acquisition

1. Permits are not transferable. Mechanical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which they are employed only when said responsible person or "Master" has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.
2. A State of Iowa licensed Mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.
5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for mechanical work.

176.10 SUBSECTION 106.2 ADDITION - - PERMITS NOT REQUIRED. Subsection 106.2, Permits not required, of the IMC, is hereby amended by adding the following #9 to said subsection:

Subsection 106.2 Permits not required 9. Replacement or relocation of house ventilation fans, bathroom exhaust, dryer vents, window air conditioners, warm air registers, cold air returns and ductwork.

176.11 SUBSECTION 106.4.3 AMENDED - - EXPIRATION. Subsection 106.4.3 Expiration, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.4.3 12 Month Expiration Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

176.12 SUBSECTION 106.5.2 AMENDED - - SCHEDULE OF PERMIT FEES. Subsection 106.5.2 Fee schedule, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.2 Fee schedule Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Ankeny. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

176.13 SUBSECTION 106.5.3 AMENDED- - FEE REFUNDS. Subsection 106.5.3, Fee refunds, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 Fee refunds The Code Official is authorized to establish a refund policy in accordance with City policy.

176.14 SUBSECTION 108.4 AMENDED - - VIOLATION PENALTIES. Subsection 108.4, Violation penalties, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

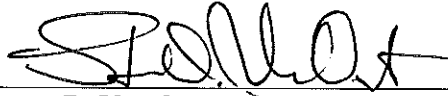
Subsection 108.4 Violation penalties Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or directive of the code official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

176.15 SUBSECTION 301.3 AMENDED - - FUEL GAS APPLIANCES AND EQUIPMENT. Subsection 301.3, Fuel gas appliances and equipment, of the IMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 301.3 Fuel gas appliances and equipment Fuel gas piping shall comply with the requirements of Chapter 12 of the Ankeny Plumbing Code, unless the provisions conflict with 661- Chapter 226, Liquefied Petroleum Gas, Iowa Administrative Code. Where Chapter 12 conflicts with 661- Chapter 226, the provisions of 661 – Chapter 226 shall be followed.

2. Copy. An official copy of the Ankeny Mechanical Code hereby adopted, including a certificate by the City Clerk as to its adoption and the effective date thereof, is on file in the office of the City Clerk in City Hall, and shall be kept there on file and copies shall be available for public inspection.
3. Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. Effective date. This ordinance shall be effective August 15, 2010, after its final passage and publication as required by law.

PASSED AND APPROVED this 2nd day of AUGUST, 2010.



Steven D. Van Oort, Mayor

ATTEST:



Pamela DeMouth, City Clerk

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DES MOINES REGISTER
ON THE 6th DAY OF AUGUST, 2010**

**1st Con 7/6/10
2nd Con 7/19/10
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